

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

A.P.State Judicial Service - District Judges - Sri M.Syamala Rao, formerly I Additional District Judge, Kadapa, now compulsorily retired from service on completion of 58 years of age - Disciplinary proceedings initiated - Orders - Issued.

LAW (LA&J - SC.F) DEPARTMENT

G.O.Ms.No.13
Dated:13.02.2013.

Read the

following:-

- 1) G.O.Ms.No.54, Law (LA&J-SC.F)Department, dt.30.4.2012.
- 2) From the Registrar (Vigilance), High Court of A.P., D.O.Letters No.77/2009
-Vigilance Cell, dt.28.6.2012.
- 3) From the Secretary, A.P.Public Service Commission, Hyderabad, Lr.No.2045/RT/2/2012, dt.22.11.2012
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O R D E R:

Whereas, the High Court initiated disciplinary proceedings against Sri M.Syamala Rao, formerly I Additional District Judge, Kadapa, now compulsorily retired from service on completion of fifty eight (58) years of age on the allegation that the officer allowed the LAOP No.1013/2001 on the file of I Additional District Judge, Kadapa without following the rules of pecuniary jurisdiction and without there being documentary proof the structures related to the 89 claimants out of 99 claimants, situated at Madhavaram Village which were submerged due to Somasila Project. Sole Article of Charge has been framed and served upon the charged officer and on receipt of written statement, a regular departmental enquiry was ordered against the charged officer nominating Hon'ble Sri Justice Seshasayana Reddy as Inquiring Judge and Sri M.Seetharama Murthi as Presenting Officer, to enquire into the charge framed against the charged officer;

2. And where as, the following is the charge framed against the charged Officer and enquiry conducted:-

ARTICLE OF CHARGE:

That you Sri M.Syamala Rao, Additional District Judge, while working as I Additional District Judge, Kadapa, passed ordered/Judgment on 27.11.2009 in LAOP No.1013/2001 on the file of I Additional District Judge, Kadapa entitling the 89 claimants for the market value of the structures, as if they were in existence, on the date of 4(1) notification under the Land Acquisition Act, in Sy.Nos.127/A and 128/2 of Madhavaram Village, covered under Ex.B-8 and further enhanced 80% over and above the value estimated by the Revenue Department as per SSR Rates, 1999, basing on the deposition dated 4.6.2002 of Sri M.Vekatadri (PW-1) in the said LAOP, where additions were made with pencil, without any initial of the officer who recorded the deposition i.e., at page No.4 of the deposition (PW.1) such as "prior to August, 1980" and 99 SSR rates", which are crucial for deciding controversy between the parties in the said LAOP, as to the existence of otherwise of the structures in Survey Nos.127/A & 128/2. Thus, without giving opportunity to the Land Acquisition Officer to raise his specific contentions by filing his counter affidavit in the reference made under Section 18 of the Land Acquisition Act and without touching the real controversy between the parties i.e. existence of structures, without following the observation made by the High Court in WAMP No.2155/1997 in WA.No.596/1996, without verifying the records available in proper prospective, such as, award Nos.45 & 47 of 1999-2000 passed by the Special Deputy Collector, inspection notes (Ex.B.17), counter affidavit in W.P.No.1002/87 filed by the Land Acquisition Officer and examination report (Ex.B-20), you deliberately passed award in favour of claimants, basing on the deposition of PW-1 with additions made with pencil

without any initial of the officer, causing monetary loss to the State exchequer. Further, you did not act diligently as expected of from a judicial officer in passing the said orders dated 27.11.2008, which act of yours, if proved or established would amount to grave misconduct, judicial dishonest and unbecoming of a judicial officer within the meaning of Rule 3 of the A.P.Civil Services (Conduct) Rules, 1964”.

(P.T.O)

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3. And whereas, in the Enquiry Report dt.17.10.2011, held that 1st part of the charge was disproved and 2nd and 3rd parts of the charge against the charged officer have been proved, the High Court further considered the enquiry report together with the entire record of enquiry, called for comments of the officer on the findings recorded in the Enquiry Report. The officer submitted his comments and on considering the same, issued a show cause notice to the charged officer, as to why a major penalty should not be imposed upon the officer. Accordingly, the charged officer submitted his explanation and on considering the same, issued a notice to him as to why he should not be removed from service. Accordingly, the charged officer submitted his explanation to the given notice;

4. And whereas. the departmental enquiry initiated was pending, as recommended by the Andhra Pradesh High Court, orders were issued in G.O.Ms.No.54 Law(LA&J SC.F) Department, dt:30.04.2012 notifying the compulsorily retirement of Sri M.Syamala Rao, on the afternoon of 30.4.2012 on attaining the age of superannuation of fifty eight (58) years. The Andhra Pradesh High Court issued proceedings Roc.No.77/2009-Vigilance Cell, dt.14.5.2012 for continuing the departmental enquiry pending against him under rule 9 (2)(a) of the Andhra Pradesh Revised Pension Rules, 1980;

5. And Whereas, the High Court having considered the enquiry report together with entire record of enquiry, explanation to the SCN and further explanation to the notice, recommended for imposition of penalty of 25% cut in the pension of Sri M.Syamala Rao, formerly I Additional District Judge, Kadapa, the then Chairman Industrial Tribunal-cum-Presiding Officer, Labour Court, Godavarikhani, Karimnagar District as per proviso to rule 9 (2)(a) of the Andhra Pradesh Revised Pension Rules, 1980, and requested the Government to issue necessary orders.

6. Now, therefore, the Government have examined carefully the findings of the Inquiring Judge, the entire record of the enquiry, the recommendation of the High Court and on consultation with APPSC have come to the conclusion that the charge framed against the charged officer i.e. Sri M.Symala Rao, is proved against him and accordingly decided to impose the punishment of 25% cut in pension permanently against Sri M.Syamala Rao, formerly I Additional District Judge, Kadapa, now compulsorily retired from service on completion of fifty eight (58) years of age.

7. Accordingly, the following notification will be published in an Extraordinary issue of the Andhra Pradesh .Gazette dt. 13.02.2013.

NOTIFICATION

8. In exercise of the powers conferred under rule 9 of the Andhra Pradesh .Revised Pension Rules, 1980, the Government of Andhra Pradesh hereby impose the penalty of 25% cut in pension of Sri M.Syamala Rao, formerly I Additional District Judge, Kadapa, the then Chairman, Industrial Tribunal-cum-Presiding Officer, Labour Court, Godavarikhani, Karimnagar District, now compulsorily retired from service on completion of fifty eight (58) years of age.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MINNIE MATHEW
CHIEF SECRETARY TO GOVERNMENT

To
Sri M.Syamala Rao, District Judge, Kadapa (retired),
through the Registrar (Vigilance), High Court of A.P., Hyderabad.
The Registrar (Vigilance), High Court of A.P., Hyderabad.
The Commissioner of Printing, Stationary and Stores Purchase

(Printing Wing), Chanchalguda, Hyderabad for publication in the A.P.Gazette.

He is requested to send 15 copies of the same immediately).

Copy to:

The Accountant General, A.P., Hyderabad.

The A.P.Vigilance Commission, Hyderabad.

The Secretary, A.P.Public Service Commission, Hyderabad.

P.S. to Hon'ble M(L&C)/P.S. to C.S./

P.S. to Secy (LA&J)

Law(E) Deptt.

Sf/Scs.

//FORWARDED BY ORDER//

SECTION OFFICER (SC)